

Application Serial No. 09/826,924
Supplemental Response to Office Action

REMARKS/ARGUMENTS

In view of the further amendments made to the claims, and in view of the following remarks, reconsideration of the application is respectfully requested.

Initially, the Applicant would like to thank Examiner Ngo for the courteous interview conducted with the undersigned on March 24, 2004. During the interview, each of the rejections presented in the outstanding Office Action were discussed and agreements were reached on each point. As will be discussed in greater detail below, it was agreed that, if the claims were amended in the manner set forth above, then the case would be allowable, pending an updated search.

More specifically, differences between compressible and incompressible articles were discussed with particular reference to the density limitation disclosed and claimed. Although it was agreed that the volume of a compressible article can be changed, the Examiner more preferred the independent claims to recite that the garment is compressed from a "loose, uncomprcessed form." To this end, each of the independent claims of the application have been amended in this manner.

With respect to the application of prior art, it was agreed that independent claim 18 already set forth patentable subject matter. In discussing the patentability of independent claims 1 and 16, initial reference was made during the interview to the arguments presented in the Amendment/Response filed on January 26, 2004. It was also pointed out to the Examiner that the Kirkland patent specifically desires the disclosed container to be vended from a conventional vending machine. To this end, the container is sized to approximately the size of a standard soda can (see the disclosure in column 4, lines 1-11 of Kirkland). Therefore, it was recognized that modifying Kirkland to be compact in view of Elmaleh, as suggested in the Office Action, would destroy the desired result in Kirkland. In any case, after consideration of the other points previously presented to the Examiner, at least this additional point and the indicated changes to the claims, it was agreed that the invention is patentable over the known prior art.

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In order to further the prosecution of the case regarding the allowance of claim 1, it was agreed that one of the dependent claims already indicated to contain allowable subject matter would be incorporated therein. To this end, claim 1 has been further amended to include the limitations of claim 8. Therefore, independent claim 1, and the claims dependent therefrom, should now be in clear condition for allowance. At the same time, claim 10 has also been placed in independent form by including all the limitations of claims 1 and 9. Instead of canceling claim 8, the dependency thereof has simply been changed to claim 10. Again, claim 10 has already been indicated to contain allowable subject matter such that this claim should be in clear condition for allowance.

With reference to independent claim 16, it was agreed that the prior art does not disclose the combined size and structure elements of this claim. However, in order to more particularly point out and distinctly claim the invention, it was agreed that claim 16 would be amended to indicate that the cover and cap members are separate from the container body. That is, although these structural features are set forth as separate elements in the claim as originally drafted, it was agreed that amending the claim in this manner would more clearly define the invention.

Based on the amendments made to the claims, the above remarks and the agreements reached during the personal interview conducted in this case, withdrawal of the rejections, allowance of the claims and passage of the application to issue is respectfully requested. As the Applicant has already paid for four independent claims when filing this application, no additional fees should be due in connection with this filing. When considering the allowance of this case, it is respectfully requested that the Examiner take into account the IDS filed in this case on February 11th to cite patent documents made of record by the US PCT search authority in a corresponding international application filed on this invention. Regardless, none of the additional prior art is considered to be even remotely more relevant than the Elmaleh reference which is already of record, thoroughly discussed with the Examiner, and owned by the assignee of the present application. In any case, if the Examiner should have any additional concerns regarding the allowance of this application, she is cordially invited to contact the

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undersigned at the number provided below to further expedite the prosecution. As a final note, as a restriction requirement was already presented in this case, one or more divisional applications will be forthcoming to cover the previously non-elected inventions. Certainly, the undersigned will look forward to working further with the Examiner and/or other USPTO personnel to expedite the prosecution of the divisional case(s).

Respectfully submitted,



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